Investigative Narrative

Incident:	Use of Force Resulting in Head Injury, Fracture to the Right Orbit.
Date / Time:	April 29, 2005
Location:	Men's Central Jail, 6000 441 Bauchet Street, Los Angeles, 90012
IAB #	IV 2145471
Urn #	005-00593-5100-145
Involved Inmate:	[redacted] MH/ 28 Bkg. [redacted]
Involved Deputy:	Daniel R. Mailloux, Deputy [redacted]

On April 29, 2005, Sergeant John Harris, Sergeant Leonard McCray and Lieutenant Stacy Lee of the Internal Affairs Bureau responded to the Men's Central Jail, after being notified of *Significant Force* being used to subdue a combative inmate. The inmate identified as [redacted] MH/28, suffered substantial facial injuries and a fracture to his face. Acting Captain Kanzo Ogouri requested an immediate response and investigation into the circumstances which led to Inmate [redacted] being injured. At the request of Acting Captain Oguri, Lieutenant Roderick Kusch of ICIB was notified of preliminary information regarding the confrontation. Lieutenant Kusch said the incident did not rise to a level of suspicion that would indicate that a crime had occurred.

Synopsis:

At approximately 1850 hours, Deputy Daniel R. Mailloux used force which resulted in injuries and a facial fracture to Inmate [redacted] who was apparently roaming in front of the 6000 Control Booth.

Deputy Mailloux was in the hallway outside of the 6000 Control Booth, supervising showers for the inmates housed in 6000. Deputy Mailloux saw an inmate dressed in jail blues, walking in the main corridor toward the 6000 Control Booth. Deputy Mailloux said inmates that are housed in 6000 are dressed in brown uniforms and he thought Inmate [redacted] had a pass for the clinic and might have walked past the clinic by accident.

As the inmate approached the control booth, Deputy Mailloux asked Inmate [redacted] where he was going. The inmate ignored him and continued walking toward the control booth, were he stopped and paused at the control booth window. Deputy Mailloux again asked Inmate [redacted] what he was doing and ordered him to walk over to him.

Inmate [redacted] old Deputy Mailloux that he had a pass and Deputy Mailloux assumed the pass was for the clinic. Deputy Mailloux said as they were walking together in the direction of the clinic, he asked Inmate [redacted] to see his pass. Inmate [redacted] removed a folded piece of paper from his pocket and handed the pass to Deputy Mailloux, asking, "Are the deputies" aliens?

Deputy Mailloux said Inmate [redacted] s pass was for the visiting area and indicated that he was housed in the 2000 Module. Deputy Mailloux said Inmate [redacted] had walked right past visiting to get to the clinic. Deputy Mailloux believed Inmate [redacted] was roaming and that he may have been moving narcotics or weapons. Deputy Mailloux said at this point he decided to conduct a pat down search of Inmate [redacted] nd told him to stop and face the wall.

> ***IAB Note:*** At this point, Deputy Mailloux and Inmate [redacted] were in the hallway that runs parallel to the main corridor and connects to the clinic. This hallway is not in the direct view of the deputies assigned to the 6000 Control Booth. (Refer to **Exhibit D, Digital Photos #1, #2 and #3**)

Deputy Mailloux said he ordered Inmate [redacted] o spread his feet and place his hands behind his back and interlock his fingers. As Deputy Mailloux began to search Inmate [redacted] he felt Inmate [redacted] egin to pull his hands apart. Deputy Mailloux said that he tried to control Inmate [redacted] and [redacted] broke free, spun and punched him in the face.

Deputy Mailloux said he and Inmate [redacted] both went to the ground, and as they grappled, they moved out of the hallway and into view of the 6000 Control Booth. Deputy Mailloux said deputies came out of the control booth and assisted him in handcuffing Inmate [redacted] Deputy Mailloux said Inmate [redacted] l appeared to calm down and no longer resisted. Deputy Mailloux said Inmate [redacted] was lying on the floor on his stomach and that he (Mailloux) was lying on top of him. Deputy Mailloux said as he started to get off of Inmate [redacted], Inmate [redacted] kicked him in the back of his right leg, causing him to lose his balance and fall forward on top of Inmate [redacted]

Deputy Mailloux said as he fell forward, he tried to break his fall. Deputy Mailloux said his chest landed on Inmate [redacted] s shoulders and his forearm inadvertently struck the back of Inmate [redacted] s head, "slamming" [redacted] s face into the floor. Deputy Mailloux said before he could get up, Inmate [redacted] grabbed the material of his pants, near his crotch. Deputy Mailloux said he was afraid that Inmate [redacted] was going to start squeezing his genitalis and that he punched Inmate [redacted] on the side of his face two to three times, to keep from being injured.

Deputy Mailloux said Inmate [redacted] eleased his grip on his pants, and he had Inmate [redacted] tand up, so he could get him to the clinic. Deputy Mailloux said that at this time he realized that the deputies that had previously assisted him, were no longer there. Deputy Mailloux said he was holding onto the back of Inmate [redacted] s shirt and Inmate [redacted] tarted leaning back like he was going to sit down on the floor. Deputy Mailloux said as Inmate [redacted] began to sit down, he released his grip on [redacted]'s shirt. Deputy Mailloux said when he released his grip on Inmate [redacted] s shirt, [redacted] owered himself slowly to the floor and sat down on his butt.

Deputy Mailloux said that he released his grip on the Inmate [redacted]s shirt, because he didn't want to hurt his back or take a chance on Inmate [redacted] attacking him. Deputy Mailloux said that after Inmate [redacted] sat down on the floor, one or more of the assisting deputies came back and offered to take Inmate [redacted] to the clinic for him, so that he could wash the blood off of his hands.

Deputy Mailloux said that he did not report his use of force at this time. Deputy Mailloux said he believed that one of the assisting deputies was going to notify the sergeant. Deputy Mailloux said he did not have a Sheriff's radio or rubber gloves at the time of the incident.

Factual Analysis:

On Scene Investigation, Deputy Mailloux and the personnel that assisted him or witnessed the incident prepared supplemental incident reports, documenting what they witnessed and/ their actions. (Refer to **Exhibit A**) Additionally, involved personnel were interviewed by investigators from the Internal Affairs Bureau, with their interviews digitally recorded and preserved at IAB, in a "Wave File" format for safekeeping. The summary of witness interviews is included in the investigative narrative. (Refer to **Summary of Witness Interviews**) Deputy Mailloux's interview has been transcribed as a verbatim transcription and is included in the investigative narrative.

The PM Shift Watch Commander, Lieutenant Gilbert Aguilar conducted an interview of Inmate [redacted], which was recorded on video. (Refer to **Exhibit C**) Inmate [redacted] admitted to kicking the deputy and related that he was just trying to get away. In his interviews, Inmate [redacted] appeared to be delusional, talking about a weapon cache in the jail and a secret tunnel that leads to Mexico. (Refer to **Summary of Inmate [redacted] s Interview**)

After receiving medical attention at the Men's Central Jail Clinic, Inmate [redacted] was placed in the 6000 visiting area, to await transportation to LCMC. Inmate [redacted] was detained with a handcuff being placed on his left wrist and the other end to an eye bolt, that was fastened to the window sill beneath one of the visiting windows. A short time later, deputies heard yelling and observed Inmate [redacted] squatting on the stool beneath the window and holding a visiting phone handset that he pulled from the wall. Inmate [redacted] was banging his head on the metal partition that separates the visiting windows for privacy. During the time Inmate [redacted] was in the 6000 visiting area, he removed his bandages and is believed to have caused an additional laceration to his right eye lid. Portions of Inmate [redacted]'s behavior in the 6000 visiting area were also documented in **Exhibit C**. (Refer to supplemental reports by Senior Deputy Armas and Sergeant Bottomley for additional information. Refer to **Exhibit D**, Photographs #4, #5 and #6, which depict Inmate [redacted]s injuries)

After the arrival of IAB investigators at Men's Central Jail, digital photographs were taken of Deputy Mailloux, documenting his injuries. Lieutenant Aguilar gave orders that the corridor where the incident took place, be held in tact and not be cleaned up until after IAB investigators released it. Digital photographs were taken of the hallway leading to the clinic and of the blood stains on the floor and wall. The injuries sustained by Inmate [redacted] were also documented by means of digital photographs.

A second interview of Inmate [redacted] was conducted by investigators from the Internal Affairs Bureau, with similar results as the earlier interview that was conducted by Lieutenant Aguilar. Inmate [redacted] signed a release of his medical records, which are included in this investigation.

Involved Personnel:

Mailloux, Daniel R. - Deputy Sheriff [redacted]
Custody Operations Division, Men's Central Jail 12-30-01
[redacted]

Employee's Work History:

Date of employment	06-14-01
Unit of assignment date	12-30-01
Date assigned to patrol	[redacted]
Completed patrol training	
Prior shooting incidents(s)	
Prior founded force incidents	

Suspect:

A search of The Consolidated Criminal History Reporting System, revealed that Inmate [redacted] has [redacted] Inmate [redacted] has [redacted] At the time of his incarceration Inmate [redacted] was in custody for a [redacted] Suspect [redacted] was released to the California Department of Corrections on 05-04-2005.

Involved Employee Statements:

Deputy Daniel R. Mailloux said he was in the 6000 hallway and in the process of conducting inmate showers for the inmates housed in 6000. He was in the hallway, outside of the control booth, when he saw an inmate walking toward him. The inmate, (later identified as Inmate [redacted] was dressed in jail blues, rather than the brown hospital uniform worn by inmates in the 6000 ward.

Inmate [redacted] walked toward the control booth and Deputy Mailloux asked him where he was going. Inmate [redacted] kind of nodded and signaled with his head that he was going to look at the control booth. Deputy Mailloux asked him what he was doing and Inmate [redacted] old him that he had a pass. Deputy Mailloux though that he was referring to the clinic and directed him to the clinic hallway as he walked along the side of him. As they walked down the hallway that leads to the clinic, Deputy Mailloux asked Inmate [redacted] o show him his pass. Inmate [redacted] anded him a visiting pass and asked him (Mailloux) if they were "aliens," referring to the Deputies.

> ***IAB Note:*** Deputy Mailloux said that the Inmate [redacted] appeared very normal except for that comment.

Deputy Mailloux told Inmate [redacted] o stop and face the wall and he complied. As Deputy Mailloux began to search him, Inmate [redacted] spun and punched Deputy Mailloux on the left side of his face. Deputy Mailloux said he struggled and tried to gain control of Inmate [redacted] s arms and at the same time block his punches. Deputy Mailloux and Inmate [redacted] ventually ended up on the floor and wrestled to a point where they were observed by deputies that were inside of the 6000 Control Booth.

With the assistance of deputies from the 6000 Control Booth, Inmate [redacted] was handcuffed and appeared to clam down. Deputies released their hold on Inmate [redacted] nd told him that they were going to get him up and to stay calm. Deputy Mailloux was straddling Inmate [redacted] As Deputy Mailloux started to get off of [redacted], [redacted] kicked Deputy Mailloux, causing him to lose his balance. Deputy Mailloux fell forward on top of Inmate [redacted] inadvertently striking the back of Inmate [redacted] s head, with his (Mailloux's) forearm, as he tried to break his fall. The impact of Deputy Mailloux's forearm, caused Inmate [redacted]'s face to strike the floor.

Deputy Mailloux said he was lying on top of Inmate [redacted] who was lying on the floor, on his stomach. Deputy Mailloux said that before he could get up, he felt Inmate [redacted] grabbing the cloth material of his pants near his crotch. Deputy Mailloux struck Inmate [redacted] wo to three times in the face to keep [redacted] om injuring him.

Deputy Mailloux had Inmate [redacted] who was still handcuffed, stand up and was going to take him to the clinic. Deputy Mailloux said that he found himself alone with Inmate [redacted] and that [redacted] started to fall backwards. Deputy Mailloux said that he had been holding onto the back of [redacted]'s shirt and that he let go of the shirt, allowing [redacted] to lean back and land on his butt. Deputy Mailloux said that Inmate [redacted] was then taken to the clinic by deputies who had returned to assist him. (Refer to **Deputy Mailloux's Verbatim Transcription** for additional information)

> ***IAB Note:*** Deputy Brodie and Deputy Lund said they left Deputy Mailloux with Inmate [redacted] and were returning to the 6000 Control Booth. Deputy Brodie and Deputy Lund said they returned to assist Deputy Mailloux, who was in still in the hallway, after they heard a noise, like the sound of a body hitting the ground. (Refer to **Verbatim Transcriptions**)

Statements of Inmate [redacted]

On April 29, 2005, at approximately 1945 hours, Inmate [redacted] was interviewed by Sergeant Bottomley and Lieutenant Aguilar of Men's Central Jail. During the interview, which was recorded on video, Inmate [redacted] said he saw something flashing in the control booth and that he went to investigate. Inmate [redacted] aid a deputy pushed his head against the wall and that he kicked the deputy in the shin, as he tried to get away. Inmate [redacted] said there was only one deputy there when he was shoved into the wall.

IAB Note: In the video recorded interview, Inmate [redacted] points out the area where he was pushed into the wall. As [redacted] walks by the wall, the blood on the wall appears to be at the same height as his face. Measurements taken at the scene, reveal the blood stain on the wall is 55 inches from the floor. Drops of blood can also be seen on the floor, where it appears the blood pooled. (Refer to **Exhibit D,** Photographs **#2 and #3**)

At approximately 2115 hours, Inmate [redacted] was interview for a second time after deputies hear him yelling. On the tape, Senior Deputy Armas is seen as he enters the 6000 visiting area, where [redacted] is alone and handcuffed. Senior Deputy Armas observes Inmate [redacted] pull the phone out of the wall and bang his head on the wall. Inmate [redacted] tells Senior Deputy Armas that he is the "anti-Christ"and that he ripped the phone out, "to tune in Tokyo." (Refer to **Exhibit C)**

On April 29, 2005, at approximately 2235 hours, Inmate [redacted] was interviewed by Sergeant Harris and Sergeant McCray of the Internal Affairs Bureau. Inmate [redacted] said that he was going for a visit and that he had glass in his eyes. Inmate [redacted] said that the glass came from a shattered window inside of the jail. He then asked that we, "start the process of plucking it out of his eyes."

Inmate [redacted] said that he got into a fight with deputies and that he tried to escape by running away. Inmate [redacted] said that he was thrown against the wall, and then "20 cops jumped him." Inmate [redacted] said he tried to kick the cop, because the cop threw him against the wall. Inmate [redacted] said, "When I came to, my legs were still attached."

Inmate [redacted] is housed in the "pill module" and said he takes medication, but doesn't know the names of the pills he takes. Inmate [redacted] said he is in jail for using methamphetamine. [redacted] said that he was trying to get to Mexico, and he was just trying to get away, because he didn't want to go back to his module.

During the interview Inmate [redacted] again removed the bandage from his face and refused additional medical aid by the jail nurse who attempted to replace the bandages.

Witness Employees:

E# 1 of 10	**Deputy Tunforss, Eric R.**	[redacted]	Central Jail
E# 2 of 10	**Deputy Genter, Cecilia.**	[redacted]	Central Jail
E# 3 of 10	**Deputy Plunkett, Tai**	[redacted]	Central Jail
E# 4 of 10	**Deputy Lund, Robert**	[redacted]	Central Jail
E# 5 of 10	**C. A. Acosta, Mary**	[redacted]	Central Jail
E# 6 of 10	**Deputy Brodie, Richard D.**	[redacted]	Central Jail
E#7 of 10	**Deputy Morrales, Eliezer O.**	[redacted]	LCMC
E#8 of 10	**C. A. Ricolcol, Fernando G.**	[redacted]	Central Jail
E#9 of 10	**Senior Deputy Armas, Manuel**	[redacted]	Central jail
E#10 of 10	**Sergeant Ronald Bottomley**	[redacted]	Central jail

Summary of Witness Statements:

Deputy Eric Tunforss said he was in the 6000 Control Booth when he looked out the window toward the hallway and saw tan on top of blue on the floor, which he knew was not good. Tunforss said he rushed out of the control booth and saw Deputy Mailloux on top of Inmate [redacted] Mailloux was trying to gain control of the inmate's arms. Deputy Lund was also present and trying to restrain Inmate [redacted]s arms. Inmate [redacted] was kicking and flailing his arms

Tunforss said he reached underneath Inmate [redacted] and grabbed [redacted]'s left arm, which he brought up, so that Deputy Mailloux could hold onto it. Deputy Tunforss then reached for his handcuffs and handcuffed Inmate [redacted] Deputy Tunsforss said Deputy Mailloux was talking to Inmate [redacted] telling him to calm down, that they were going to stand him up and take him to the clinic.

Tunsforss said [redacted] continued to yell and kick his feet, struggling against Deputy Mailloux who was still on top of him.

Deputy Mailloux talked to Inmate [redacted] for a little bit, but [redacted] wasn't calming down. As Deputy Mailloux began to get up, Inmate [redacted] threw his left leg back, like in a "mule kick"and kicked Deputy Mailloux in the back. Deputy Tunsforss said that he immediately went for [redacted]'s left leg, grabbing his shin and ankle, to prevent him from kicking.

Deputy Tunsforss said he saw Deputy Mailloux strike Inmate [redacted] in the face. He said he didn't know if Deputy Mailloux lost his balance before striking [redacted] He said he believed the punches struck Inmate [redacted] in the face, but did not actually see where the punches made contact.

Deputy Tunsforss said after Deputy Mailloux struck Inmate [redacted] the deputies tried to get Inmate [redacted] to calm down. Deputy Tunsforss said that as soon as he thought it was "Code-4," he got up and went back to the control booth to notify the senior deputy and the sergeant regarding the use of force. He said that when he left, Inmate [redacted] was still on the floor.

Deputy Tunsforss said he didn't know which deputies were still there when he left. Deputy Tunsforss said that he has no knowledge of Inmate [redacted] falling after he left.

Deputy Cecilia Genter said that she was inside of the 6000 Control booth when she heard Deputy Tunsforss yell, "Hit the gate." Deputy Genter said she detected an urgency in Deputy Tunsforss' voice, and as the control booth door opened, she saw Deputy Mailloux straddling Inmate [redacted] Inmate [redacted] was on his stomach and Deputy Mailloux had Inmate [redacted]'s hands behind his back. Deputy Genter said she saw that Deputy Lund was trying to hold Inmate [redacted]s legs and he ([redacted] was pushing and moving, trying to kick his legs. Deputy Tunsforss had run over, and Deputy Mailloux asked him to handcuff Inmate [redacted], which he did. Deputy Genter said it appeared to her that it was pretty much, "Code 4, they were good," so she went back to the 6000 control booth to complete some paper work.

Deputy Genter said that when she returned to the control booth, Inmate [redacted] was handcuffed and his faced looked normal. Inmate Genter said that the only force she observed was Deputy Mailloux straddling Inmate [redacted] She said it looked like Mailloux was sitting on [redacted]s waist, right above his buttocks, holding [redacted]s hands. Deputy Genter was asked if she saw any blood on the floor prior to returning to the 6000 Control Booth, and she said, "No." Deputy Genter said she did not use any force.

Deputy Tai Plunkett said that he was sitting in 6000 Control Booth when he heard yelling coming from the hallway. Deputy Plunkett stood up, looked out of the control booth window, and saw Deputy Mailloux in the hallway, sitting on an inmate. Deputy Plunkett said he ran out of the control booth with Deputy Brodie and Deputy Tunsforss.

Deputy Plunkett said he saw Deputy Lund trying to grab Inmate [redacted]s left arm and Deputy Tunsforss was trying to control the [redacted]s legs, to keep [redacted] from kicking. Deputy Plunkett said at this time the inmate, "kinda of just gave up and laid there." Deputy Mailloux was able to get the inmate's arms behind his back and Deputy Tunsforss handcuff him. Once handcuffed, [redacted] began to comply, and he appeared to relax. Inmate [redacted] was on the floor, lying on his stomach, with his hands handcuffed his back. Deputy Mailloux maintained his position, straddling [redacted] near the small of his back.

Deputy Plunkett said as everyone got off of the inmate, "all of a sudden he ([redacted]) just went crazy again, started cussing, and kicked Mailloux in the back with a mule kick." Deputy Plunkett said Deputy Mailloux was crouched over Inmate [redacted] and was just starting to get up, when [redacted] "mule kicked," Deputy Mailloux. Deputy Plunkett said Inmate [redacted] kicked Deputy Mailloux very hard and that the inmate arched his body when he kicked. He believes the inmate kicked Deputy Mailloux on his right side, near the kidneys. Deputy Plunkett said that Deputy Mailloux went back down on top of [redacted] and that Deputy Lund and Deputy Tunsforss also jumped on top of his legs and tried to get control of Inmate's [redacted]s arms.

Deputy Plunkett said Deputy Mailloux then hit Inmate [redacted] a couple of times in the side of his face with his right fist. Deputy Plunkett said that Deputy Mailloux was, "sitting on Inmate [redacted]" and that he hit the inmate pretty hard.

Deputy Plunkett said that Inmate [redacted] said, "I give up, I'm not going to fight with you guys anymore." Deputy Plunkett said that Deputy Mailloux picked him ([redacted]) up, and they started walking in the direction of the clinic. Deputy Plunkett said that he doesn't remember seeing any other deputies walking with Deputy Mailloux.

Deputy Plunkett said that he went back to the control booth and was going to summon a trusty to clean up the floor.

> ***IAB Note:*** The PM Watch Commander, Lieutenant Aguilar told Deputy Plunkett to keep the area as is, pending the arrival of IAB investigators.

Deputy Plunkett said he did not specifically look at the walls prior to going to back to the control booth and was not present when Inmate [redacted] was being escorted to the clinic. Deputy Plunkett said that he did not use any force and did not see the first contact between Deputy Mailloux and Inmate [redacted]

Deputy Plunkett was specifically asked, Do you believe it was necessary for Deputy Mailloux to strike him [redacted] in the face. Deputy Plunkett said, "The guy ([redacted]) was pretty out of control, I think it was more of a reaction, than a necessity. The guy kicked him pretty hard." (Refer to **Verbatim Transcription of Deputy Plunkett's Interview)**

Deputy Robert Lund said he was in the clinic when he heard noises, scuffling sounds that sounded like a fight. He exited the clinic and looked down the hallway and saw a deputy and an inmate involv[redacted]ght at the far end of the hall. Deputy Lund said he saw Deputy Mailloux on top of Inmat[redacted]nd it appeared that Deputy Mailloux was trying to gain control of the inmate. They were both on the floor. The inmate was on his stomach, and Deputy Mailloux was straddling the inmate's back, trying to gain control of his arms.

Deputy Lund said he was able to pull the inmate's left arm up behind his back and hold it for Deputy Mailloux, so the inmate could be handcuffed. Deputy Lund said when he got up, Inmate [redacted]was still on the floor, with Deputy Mailloux straddling him.

Deputy Lund said he saw the inmate kick back with his upper right leg and kick Deputy Mailloux in the lower back area. Deputy Lund said Inmate [redacted] kicked back with a donkey like kick and as soon as he (Lund) saw it, he went back to the floor and grabbed [redacted]s legs. Deputy Lund said he heard what sounded like punches, but did not see anything because he was at the inmate's feet, and other deputies were blocking his view.

When asked specifically if he believed it was necessary for Deputy Mailloux to punch Inmate [redacted] to gain control of him, he said, "I don't necessarily... I think we had control of him, and it might have been a reactionary to him being kicked, that he punched him, but I think we had control of him."

Deputy Lund said that Inmate [redacted] stopped resisting, and that they helped the inmate back to his feet. Deputy Lund said that he headed back to 6000 Control booth, because he saw Deputy Tunforss headed in that direction, and he wanted to know if Tunforss had notified the sergeant.

As he headed toward the booth, Deputy Lund said, "I heard another noise, and this time I think it sounds like a body falling, when something hits the ground, a body falling to the ground." I turned back and looked at the mirror and saw Inmate [redacted]was laying on the ground. Deputy Lund said that he went around the corner, picked up the inmate, and started to escort him to the bench in front of 6000 control. Deputy Brodie assisted him, and because Inmate [redacted] was bleeding, elected to take him directly to the clinic.

Deputy Lund said that when he heard the noise, he looked into the mirror and saw that Inmate [redacted] was on the floor near the alcove. Deputy Lund said that he never asked Deputy Mailloux what happened, and that Deputy Mailloux was standing midway or next to the opposite wall. Deputy Lund said that he took the inmate to the clinic because he needed to go, and that Deputy Mailloux never said anything to him. (Refer to **Verbatim Transcription of Deputy Lund's Interview**)

Custody Assistant Mary Acosta said she was inside the 6000 Control Booth, and one of the deputies yelled for her to pop the door. CA Acosta said she activated the electronic lock on the control booth door, unlocking the door, and the deputies ran out. Acosta said she saw Inmate [redacted] laying on the floor, and Deputy Mailloux was sort of sitting on him. CA Acosta said Deputy Lund appeared to be helping Deputy Mailloux hold the inmate down.

CA Acosta said that once all the deputies were there, it seemed like everything was over, and then Inmate [redacted] began squirming. Deputy Mailloux was still straddling Inmate [redacted] and struck [redacted] in the upper body. CA Acosta said that she believes that Deputy Mailloux struck Inmate [redacted] one time.

CA Acosta said that she still had her other duties to perform, and when she looked up again, she saw Deputy Lund and Deputy Brodie escorting the inmate. She said Inmate [redacted] was yelling incoherently, saying, "I'm only 29, I'm only 29." CA Acosta said she did not see where Inmate [redacted] came from or where Deputy Mailloux was when he contacted Inmate [redacted]

Deputy Richard D. Brodie said he was in the 6000 Control Booth when he saw Deputy Mailloux on the floor, straddling Inmate [redacted]. Deputy Mailloux was on top of Inmate [redacted] at the far end of the hallway, closest to the receiving (ambulance entrance) door. Deputy Brodie said that he ran over to Deputy Mailloux and saw Deputy Lund trying to gain control of Inmate [redacted]s right arm. Deputy Brodie said Deputy Tunsforss was also there and that Tunsforss handcuffed Inmate [redacted]'s hands behind his back.

Deputy Mailloux then started to lift Inmate [redacted] off the floor and Inmate [redacted] "mule" kicked Deputy Mailloux in the back. Deputy Mailloux fell forward on top of Inmate [redacted] and subsequently struck Inmate [redacted] in the face three to four times. Deputy Brodie said the punches by Deputy Mailloux appeared to be a "spontaneous reaction" to being kicked by Inmate [redacted] Deputy Brodie said that he didn't see Inmate [redacted] grab Deputy Mailloux's crotch.

Deputy Brodie and Deputy Lund, got Inmate [redacted] to his feet and left him with Deputy Mailloux. Deputy Brodie and Deputy Lund then began to walk back to the 6000 Control Booth. Deputy Brodie said that he and Deputy Lund heard a noise, turned back to look, and saw Deputy Mailloux standing next to Inmate [redacted], who was lying on the floor. Deputy Brodie said that he and Deputy Lund picked up Inmate [redacted] to escort him to the clinic. Deputy Brodie said he did not notice Inmate Mailloux bleeding the first time that he picked him up, but did see Inmate [redacted] bleeding from the face when he returned the second time.

Deputy Brodie said he did not see blood on the floor the first time that he left Inmate [redacted] with Deputy Mailloux, but he did see blood on the floor when he returned the second time.

On 08-12-05, at approximately 2000 hours, I contacted Deputy Brodie again, for the purpose of asking him several clarifying questions. Deputy Brodie said that he had left Inmate [redacted] with Deputy Mailloux and that approximately 20 seconds later, he heard a loud noise, which he described as a, "person falling to the floor."

Deputy Brodie said that the noise was loud enough for him to hear it, even though he was almost back to the 6000 Control Booth. Deputy Brodie said that he and Deputy Lund returned to where they had left Inmate [redacted] and Deputy Mailloux, and Inmate [redacted] was on the floor. Deputy Brodie said that he and Deputy Lund, helped Inmate [redacted] to his feet and immediately escorted him back toward the 6000 Control Booth. Deputy Lund said he can't recall if they (Brodie and Lund) placed Inmate [redacted] next to the wall, once they got him up. (Refer to **Verbatim Transcription of Deputy Brodie's Interviews)**

Deputy Eliezer O. Morrales said he was inside the 6000 Control Booth, preparing paper work, when he heard noises and saw his fellow deputies run out of the booth. Deputy Morrales said he saw an inmate on the floor, laying on his stomach and Deputy Mailloux was on top of the inmate, straddling him. Deputy Mailloux had one knee on either side of Inmate [redacted] and had secured his hands behind his back. Deputy Morrales said Deputy Tunsforss handcuffed the inmate and that he (Morrales) saw it was, "Code 4," and walked back to the control booth to finish his paperwork.

Deputy Morrales said that Inmate [redacted] continued to resist, even after he was handcuffed, kicking and squirming.

Senior Deputy Manuel Armas said after Inmate [redacted] was seen at the clinic, it was determined that he was going to be sent to LCMC for additional treatment. Deputy Armas said [redacted] had calmed down and that Inmate [redacted] was only going to be at 6000 for a short time, as transportation had already been requested. Deputy Armas said all of the deputies assigned to 6000 were busy writing their reports, and he didn't have the staff to watch Inmate [redacted] in an uncontrolled environment. Deputy Aramas said the 6000 visiting area is often used for problem inmates or inmates that require isolation. Deputy Armas said Inmate [redacted] had only been in the visiting room for approximately five minutes, when [redacted] started screaming and acting out.

Deputy Armas said that Inmate [redacted] was immediately removed form the visiting room, returned to the clinic and then handcuffed to the bench outside of the 6000 Control Booth. Senior Deputy Armas said he was present when Inmate [redacted] was first brought to the clinic and he documented Inmate [redacted]s injuries in his supplemental report. Deputy Armas said that when he returned Inmate [redacted] to the clinic for the second time, he also observed his injuries. Senior Deputy Armas said that it appeared that Inmate [redacted] had a fresh laceration over his right eye lid, which he did not see the first time that Inmate [redacted] was treated.

Deputy Armas said that the laceration above Inmate [redacted]s right eye, was bleeding, and that the new injury corresponded to the area of his face that [redacted] was banging on the metal partition. Senior Deputy Armas was shown digital photographs (**Exhibit D**, #4, #5 and #6) of Inmate [redacted], and he stated that the injuries depicted in those photographs are consistent with the injuries that he saw when Inmate [redacted] was treated at the clinic the first time. Deputy Armas said the exception being the laceration over [redacted]s right eye, which he believes was self inflicted. (Refer to Senior Deputy Armas' supplemental report)

Sergeant Ronald Bottomley, said that he was in the locker room when he was notified that a use of force had occurred in his area of supervision, the 6000 area. Sergeant Bottomley said he immediately contacted the Lieutenant Aguilar to assist. Inmate [redacted] had already been seen at the 6000 clinic and that his face was bandaged.

Sergeant Bottomley was present when Inmate [redacted] was removed from the visiting area and said that [redacted] had ripped the phone hand set from the wall and was "perched" next to the window, banging his head on the metal privacy partition. Sergeant Bottomley did not see Inmate [redacted]s original injuries, and therefore couldn't tell if the injuries were new or reopened wounds.

Custody Assistant Fernando Ricolcol said that he was assigned to clinic security, when he saw Deputy Lund run out of the clinic. CA Ricolcol said he walked out of the clinic and saw Inmate [redacted] lying face down on the floor, with Deputy Mailloux on top of him. Deputy Lund was holding Inmate [redacted]'s left shoulder down. CA Ricolcol said he saw Inmate [redacted] flailing his legs, and he assisted by holding onto [redacted]s legs. CA Ricolcol said several deputies arrived, and once Inmate [redacted] was handcuffed, he returned to the clinic.

> ***IAB Note:*** CA Ricolco's summary was obtained from the supplemental report that he authored, he was not interviewed.

Injuries:

Deputy Daniel R. Mailloux- Deputy Mailloux complained of swelling and pain to his right hand, abrasions to his right knee and elbow and bruising to the left side of his face. During his interview, Deputy Mailloux said that when he got home he noticed a small surface scratch on his chest and that he had swelling to his eye which was bruised and sore for several days. Deputy Mailloux said that for the next several days, there was a redness to his ear. Deputy Mailloux did request medical attention for his injuries.

Inmate [redacted] -Inmate [redacted] sustained, trauma, bruises and a fracture of the right facial orbit. He received 5 stitches on the right eyebrow and two stitches on the right cheek. Also, noted in his medical chart was right facial ecchymosis and a hemorrhage to his right eye. Inmate [redacted] also suffered scratches to the left side of his face, nose and bruises to the left periorbital area. He complained of pain to both elbows and chest and told medical staff that he was slammed to the ground so hard that his front teeth were chipped. (See page **23, Inmate Medical Documentation**)

Non-employee witnesses:

No additional witnesses were located.

Physical Evidence:

No physical evidence was collected at the scene.